

# **EXHIBIT L**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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HONEYWELL INTERNATIONAL INC. and  
HONEYWELL INTELLECTUAL PROPERTIES  
INC,

Plaintiffs,

C.A. No. 04-1338-KAJ

v.

(Consolidated)

APPLE COMPUTER, INC., et al.,

Defendants.  
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DEPOSITION OF IAN LEWIN  
VOLUME II, PAGES 147 - 408  
MARCH 6, 2008

(The following is the continued deposition  
of IAN LEWIN, taken pursuant to the Federal Rules of  
Civil Procedure, via videotape, at the offices of  
Robins, Kaplan, Miller & Ciresi, LLP, 2800 LaSalle  
Plaza, 800 LaSalle Avenue, Minneapolis, Minnesota,  
commencing at approximately 8:31 a.m. on March 6,  
2008.)

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<p style="text-align: right;">Page 192</p> <p>1 A. Right.</p> <p>2 Q. And I then asked the question if we assumed</p> <p>3 that a module is being manufactured and we assumed</p> <p>4 that Honeywell's proposed claim interpretation was in</p> <p>5 place and that module had two lens arrays and</p> <p>6 otherwise satisfied the limitations of claim three,</p> <p>7 and a person who was responsible for manufacturing</p> <p>8 that module came to you and said, "Dr. Lewin, I want</p> <p>9 to make sure that all the modules I make are safely</p> <p>10 not going to infringe claim three," what would you</p> <p>11 advise them as to what sort of manufacturing tolerance</p> <p>12 they should have in construction of those modules with</p> <p>13 respect to the angle of rotation of the lens arrays?</p> <p>14 A. I would advise them to have close</p> <p>15 manufacturing tolerances and to be sure that their</p> <p>16 rotation that might occur because of manufacturing</p> <p>17 tolerances would be less than two degrees.</p> <p>18 Q. And if they had a manufacturing tolerance</p> <p>19 that was less than two degrees, is it your</p> <p>20 understanding that -- and -- and there was -- the</p> <p>21 rotation was not done for reasons of avoiding moire --</p> <p>22 MR. WOODS: Oh, and that -- that -- yeah.</p> <p>23 Let's -- let's get that clearly stated in your</p> <p>24 hypothetical because, --</p> <p>25 MR. OLLIS: Right.</p>	<p style="text-align: right;">Page 194</p> <p>1 Q. Okay. I'd like to shift to another topic</p> <p>2 and that is the question -- or the issue of</p> <p>3 orientation of lens arrays in an LCD module.</p> <p>4 Is it your understanding that the</p> <p>5 orientations, for example, that Honeywell relies on</p> <p>6 for its early invention date, include at least one</p> <p>7 lens array where the one -- the lens array has prisms</p> <p>8 or lenticules, whatever you wish to call them, facing</p> <p>9 away from the LCD panel?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know what the emission profile would</p> <p>12 look like in a backlight having a single lens array</p> <p>13 where the lens array is flipped upside down so that it</p> <p>14 faces the light guide or lamp?</p> <p>15 A. No, I don't.</p> <p>16 Q. Do you know --</p> <p>17 And if you wish, we can refer to what has</p> <p>18 been previously marked as Exhibit 32.</p> <p>19 A. Do I have that one in my pile?</p> <p>20 Q. I believe it should be --</p> <p>21 Perhaps the court reporter can assist.</p> <p>22 (Discussion off the stenographic record.)</p> <p>23 A. I have 32.</p> <p>24 Q. Dr. Lewin, you've seen Exhibit 32; is that</p> <p>25 correct?</p>
<p style="text-align: right;">Page 193</p> <p>1 MR. WOODS: -- with respect, Andy, you're</p> <p>2 kind of moving all around.</p> <p>3 MR. OLLIS: I'm -- I'm -- I'm adding that</p> <p>4 back in.</p> <p>5 Q. We agreed that that was not the reason at</p> <p>6 the beginning of the hypothetical for the rotation.</p> <p>7 A. I understand.</p> <p>8 Q. That they would be comfortable that such a</p> <p>9 module would not infringe the '371 patent; is that</p> <p>10 correct?</p> <p>11 A. I think I would agree with that.</p> <p>12 Q. And that's your opinion.</p> <p>13 A. Yes.</p> <p>14 Q. How did you determine that a rotation -- or</p> <p>15 a misalignment of less than two degrees that is not</p> <p>16 present for reasons of avoiding moire would not</p> <p>17 infringe the '371 patent?</p> <p>18 A. Well I think that the claim three talks</p> <p>19 about, of course, a slight rotation of two to 16</p> <p>20 degrees. The word "typically" is in there, which is</p> <p>21 what gave me some trepidation in initially answering</p> <p>22 your inquiry, and I think that any claim has to be</p> <p>23 read with regard to the -- what the specification</p> <p>24 teaches, and the specification teaches that the</p> <p>25 rotation is for the purposes of removing moire.</p>	<p style="text-align: right;">Page 195</p> <p>1 A. Yes, I have.</p> <p>2 Q. Okay. And -- I'm sorry. Let's shift to a</p> <p>3 different one.</p> <p>4 I would like you to refer a couple of</p> <p>5 exhibits further, to Exhibit 39. There's a structure</p> <p>6 shown more clearly.</p> <p>7 A. Excuse me, Exhibit 39?</p> <p>8 Q. Yes, please.</p> <p>9 A. Yes.</p> <p>10 Q. All right. And if you look at the second</p> <p>11 page of Exhibit 39, there is a structure shown there;</p> <p>12 is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. And is it your understanding that Honeywell</p> <p>15 reduced this structure to practice? Is that correct?</p> <p>16 A. That is my understanding.</p> <p>17 Q. And they are relying on that reduction to</p> <p>18 practice, among other things, for evidence of an early</p> <p>19 invention date; is that correct?</p> <p>20 A. I believe so.</p> <p>21 Q. And in the structure that is shown in</p> <p>22 Exhibit 39, there are two lens arrays with the lenses</p> <p>23 rotated at 16 degrees from either the horizontal or</p> <p>24 vertical axis; is that correct?</p> <p>25 A. Correct.</p>

13 (Pages 192 to 195)

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<p>1 Q. And the two lens arrays have lenslets that 2 face each other; is that correct? 3 A. Correct. 4 Q. And so one of -- set of the lenslets is 5 facing away from the LCD panel; is that correct? 6 A. Right. 7 Q. Do you have an understanding of what the 8 emission profile would look like for the LCD backlight 9 that is shown in Exhibit 39? 10 MR. WOODS: Are you asking specific or 11 general? 12 MR. OLLIS: General. 13 MR. WOODS: Okay. 14 MR. OLLIS: I'm -- I'm happy with general. 15 THE WITNESS: Good, as I would -- 16 MR. OLLIS: I don't need to know the exact 17 79 degrees -- 18 MR. WOODS: You could do ray tracing, sir, 19 you know. 20 Q. Yeah. But can you generally just describe 21 to me what that emission profile would look like? 22 A. I would generally expect a bell-shaped 23 curve. 24 Q. A bell-shaped curve. 25 A. A bell-shaped curve. So in other words,</p>	<p>1 And there is no specific teaching anywhere relating -- 2 in the '371 patent text concerning lens arrays that 3 are flipped over; is that correct? 4 MR. WOODS: Objection, form. 5 A. Well there is no specific teaching, but 6 there's certainly no exclusion to say you couldn't do 7 that. 8 Q. Okay. I'm just interested in the teaching 9 at this point. 10 A. I understand. 11 Q. Now in your -- 12 You have offered an opinion relating to the 13 person of ordinary skill in the art in this case; is 14 that correct? 15 A. Right. 16 Q. And I'm sure there will be some discussion 17 of that in due course. But using your understanding 18 of a person of ordinary skill in the art who has read 19 the '371 patent, and -- would they have an 20 understanding of what -- the emission profile of an 21 LCD backlight that has a single lens array in it with 22 the lens array flipped over so that the lenslets face 23 the lamp? 24 A. I -- I think they would when they tried it. 25 Q. But before they tried it, would they have</p>
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<p>1 there would be narrowing of the distribution from what 2 the distribution would be if just, let's say, a 3 diffuser were present. 4 Q. Can you have an understanding as to how that 5 bell-shaped curve would differ from a situation where 6 the two lens arrays were facing forward? 7 A. All I would say is that the bell-shaped 8 curve is likely to change. The extent of that change, 9 I really don't know. 10 Q. You don't have any understanding. 11 A. No. 12 Q. Does the '371 patent provide any 13 understanding as the -- to the extent of the change 14 that would occur? 15 A. I think it just talks about a predetermined 16 distribution. Certainly, some examples are given. 17 Q. But it -- 18 The '371 patent doesn't provide any teaching 19 as to how flipping over a lens array would change the 20 luminance profile of an LCD backlight; is that 21 correct? 22 A. The '371 patent provides general principles 23 and it does provide a best mode. That best mode does 24 not include the flipped lens. 25 Q. Right. At least the best mode does not.</p>	<p>1 any understanding of what that emission profile would 2 look like? 3 A. No. That is not part of the data that's 4 provided in the '371. The '371 provides a tool kit 5 where various things can be done. 6 Q. Now let me ask the same question for the 7 person of ordinary skill in the art as you have 8 defined them. If they were to build an LCD module 9 that had the structure shown in Exhibit 39, would they 10 have any understanding, prior to building that module, 11 what the luminance profile would look like? 12 A. Prior to -- 13 Q. Prior to building it, prior to trying -- 14 actually building it. 15 A. Prior to trying it? There is not data given 16 in the '371 that would say what ultimate constructions 17 provide. They -- 18 The detail is for the best mode. 19 Q. Right. And for that reason they would not 20 have an understanding as to what the luminance profile 21 of the structure shown in Exhibit 39 would look like; 22 is that correct? 23 MR. WOODS: Objection, form. 24 A. I think the principles outlined in the '371 25 patent are rather general. They talk about a</p>

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<p>1 predetermined variation with viewing angle.  2 No, they wouldn't know the exact breadth of  3 the curve that would be produced. I think it would be  4 taken that double lenses could be used and that there  5 would be a predetermined variation no matter which way  6 the lenses faced.  7 Q. They would have an understanding that there  8 would be a predetermined variation; is that correct?  9 A. Yes.  10 Q. Would they have any understanding as to what  11 that predetermined variation was?  12 A. No, I think that that is not the case. That  13 is not part of the best mode that is detailed in the  14 '371.  15 Q. And it's not part of the teaching of the  16 '371 patent either; is it -- is that correct?  17 MR. WOODS: Objection, form.  18 A. The teaching is very general, and I -- I was  19 quite specific a few moments ago when I said that the  20 way I look at the '371 patent is that it is a -- it's  21 a tool kit. It's a tool box --  22 Q. Right. I under --  23 MR. WOODS: Let him finish.  24 A. -- that can be used, and I don't think the  25 '371 patent -- a patent can't teach the various</p>	<p>1 '371 patent is general enough that they would know  2 that there would be some predetermined distribution  3 obtained.  4 Q. But they wouldn't know what that  5 predetermined distribution would be; is that correct?  6 A. Not precisely.  7 Q. Would they have any understanding other than  8 the fact that there would be a predetermined  9 distribution as to what that predetermined  10 distribution would look like?  11 MR. WOODS: Objection.  12 A. I think the teaching of the patent is  13 generally a narrowing of the distribution, which is  14 what I would expect Exhibit 39 to produce.  15 Q. I understand that's your expectation. But  16 would a person of ordinary skill in the art expect an  17 embodiment of Exhibit 39 to produce a narrowing of the  18 distribution?  19 A. Yes, I believe so.  20 Q. I'd like to turn to another exhibit that I  21 believe has been previously marked. It's the Oe  22 patent, which is Exhibit 485.  23 A. Thank you. I have it.  24 Q. You're ahead of me, so if you give me one  25 moment.</p>
Page 201	Page 203
<p>1 permutations and combinations that -- that might be  2 achieved, it teaches the best mode.  3 Q. Well, but if it's a tool box, it could teach  4 the reasons why you would select specific tools; is  5 that correct?  6 A. It could, but I don't know of any reason  7 that it has to. And I -- and here the requirements of  8 the specification I think are getting into legal  9 issues that I possibly don't understand, --  10 Q. Well --  11 A. -- but my -- my understanding is that it has  12 to teach the best mode.  13 Q. Okay. Let's -- let's set aside the legal  14 issues for the moment. I'm simply trying to  15 understand if a person of ordinary skill in the art,  16 your person as you've defined him, read the '371  17 patent, based on that reading in its entirety, not  18 just the best mode but their entire reading of the  19 '371 patent, would they have an understanding of what  20 the luminance profile would generally look like for  21 the structure shown in Exhibit 39?  22 MR. WOODS: Generally as opposed to  23 specific.  24 A. The specific light-distribution pattern  25 would not be known, but I think the teaching of the</p>	<p>1 Dr. Lewin, you've seen the Oe patent before;  2 is that correct?  3 A. Yes, I have.  4 Q. And -- and you're familiar with it; is that  5 correct?  6 A. Yes, I am.  7 Q. You've opined or offered opinions concerning  8 it in your expert report; is that -- that correct?  9 A. I have.  10 Q. Now if we turn to page 65 of your expert  11 report.  12 A. Okay.  13 Q. For reference, if you wish to flip to the  14 preceding page, 64, I think you'll agree with me that  15 this is the first portion of your discussion relating  16 to the Oe patent; is that correct?  17 A. Yes.  18 Q. Okay. And at the top of 37 -- 65 -- excuse  19 me. Start that again.  20 At the top of page 65, before the first  21 bullet point, you have a statement that begins,  22 "Despite some similarities to the '371 patent..." Do  23 you see that?  24 A. I do.  25 Q. What similarities are you referring to?</p>

15 (Pages 200 to 203)

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## **EXHIBIT M**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HONEYWELL INTERNATIONAL INC. and	)	
HONEYWELL INTELLECTUAL PROPERTIES INC.,	)	C.A. No. 04-1338-MBT
	)	(Consolidated)
Plaintiffs,	)	
	)	<b>CONTAINS HIGHLY</b>
v.	)	<b>CONFIDENTIAL</b>
	)	<b>INFORMATION SUBJECT</b>
APPLE COMPUTER, INC., et al.,	)	<b>TO PROTECTIVE ORDER</b>
	)	<b>- OUTSIDE COUNSEL'S</b>
Defendants.	)	<b>EYES ONLY</b>

**Expert Report for Defendants FUJIFILM Corporation, FUJIFILM U.S.A., Inc., Samsung  
SDI Co., Ltd., Samsung SDI America, Inc., and Optrex America Inc. on Invalidity and  
Unenforceability**  
**by**  
**Dr. Elliott Schlam**

and row pattern shown in the '371 patent, that does not alter the interpretation of claim 3 which I have reached.

171. I understand that Honeywell adopts such a broad interpretation to support the allegation that a Fuji LCD module with a delta pattern LCD panel and a lens array rotated 35° from the horizontal, defines an angle of between 2 and 16 degrees between the lens array and a diagonal line of pixels of the same color in the delta pattern LCD pattern. Since one skilled in the art at the time of the filing of the '371 patent application would know the source of potentially meaningful moiré interference would be the interference between the pattern of horizontally (or possibly vertically) extending boundaries between the LCD pixels and the lenslets of the lens arrays, such a person would have no reason to include a diagonal axis. This is especially true since the diagonal axis postulated by Honeywell can only exist if the pixel is activated with a single color (monochromatically), a rare, if not unlikely, event.

#### **IX. DESCRIPTION OF RELEVANT REFERENCES**

172. It is my opinion that claim 3 of the '371 patent, as interpreted above, is rendered obvious by one or more of the prior art references that I reviewed. The basis for my opinion is set forth below as well as in the claim charts attached as charts A-H. Ex. J.

173. I understand that discovery is ongoing and that additional materials, including additional prior art references, may be made available to Defendants. If additional information is provided to me by Defendants and bears on the validity of the '371 patent, I may supplement this Report. Additionally, I may supplement this Report upon further analysis of any of the materials identified in this Report or the Exhibits attached to this Report.